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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

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9:00 A.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Michael Paparian, Chairperson

Steven R. Jones

Jose Medina

David A. Roberti

STAFF

Julie Nauman, Acting Chief Deputy Director

Scott Walker, Acting Deputy Director

Mark De Bie

Tadese Gebre-Hawariat

Reinhard Hohlwein

Keith Kennedy

Steve Levine

Mary Madison-Johnson

Bill Marciniak

Wes Mindermann

Diane Ohiosumuo

David Vaccarezza

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INDEX

PAGE

Call to Order and Roll Call	1
A. Deputy Director's Report	2
B. Consideration of a Revised Full Solid Waste Facilities Permit(Disposal Facility) for the Calabasas Landfill, Los Angeles County	4
Motion	6
Vote	7
C. Consideration of a Revised Full Solid Waste Facilities Permit(Transfer/Processing Station) for the Escondido Resource Recovery Transfer Station and Material Recovery Facility, San Diego County	7
Motion	10
Vote	11
D. Consideration of a Revised Full Solid Waste Facilities Permit(Composting) for Inland Empire Utilities Agency Composting Facility, San Bernardino County	11
Motion	14
Vote	14
E. Consideration of a Revised Full Solid Waste Facilities Permit(Transfer/Processing Station For Central Valley Waste Services, Inc., San Joaquin County	15
Motion	35
Vote	35
F. Consideration of a New Full Solid Waste Facilities Permit(Transfer/Processing Station for the Recycled Central, Pier 96 Facility City and County of San Francisco	36
Motion	39
Vote	39

INDEX CONTINUED

	PAGE
G. Consideration of a Revised Full Solid Waste Facilities Permit(Disposal Facility) and Adoption of a Negative Declaration for the Alturas Landfill, Modoc County	40
2002-370 Motion	57
2002-370 Vote	57
2002-371 Motion	57
2002-371 Vote	58
H. Consideration of Approval of New Sites for the Solid Waste Disposal and Codisposal Site Cleanup Program	58
Motion	74
Vote	75
I. Consideration of Augmentation for the Environmental Services Contract for Landfill and Disposal Site Remediation	76
Motion	77
Vote	77
J. Consideration of Augmentation for the Environmental Services Contract for Landfill and Disposal Site Remediation	76
Motion	78
Vote	78
Public Comment	78
Adjournment	78
Reporter's Certificate	79

1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Good morning, everybody.

3 Welcome to the Permitting and Enforcement Committee
4 hearing.

5 Secretary call the roll.

6 SECRETARY FARRELL: Jones?

7 COMMITTEE MEMBER JONES: Here.

8 SECRETARY FARRELL: Medina?

9 COMMITTEE MEMBER MEDINA: Here.

10 SECRETARY FARRELL: Paparian?

11 BOARD MEMBER PAPARIAN: Here.

12 And I understand Senator Roberti will be joining
13 us a little bit later this morning.

14 Any ex partes, Mr. Jones?

15 COMMITTEE MEMBER JONES: Said "hi" to Denise

16 Delmatier, Henry Louis, and -- from San Francisco --

17 Victoria Tobias, and Dave Vaccarezza and Tom Sanchez, just
18 "hello's" to each of them. That's it.

19 CHAIRPERSON PAPARIAN: Mr. Medina.

20 COMMITTEE MEMBER MEDINA: Yeah, Denise Delmatier
21 and Don Mercal.

22 CHAIRPERSON PAPARIAN: And I also spoke withy
23 Denise Delmatier regarding the Pier 96 item, Item F on our
24 agenda this morning.

25 Before we have our Deputy Director's report, I'd

1 like to explain how this morning's meeting is going to go.
2 We're going to have -- we're going to divide the Committee
3 meeting into two sections.

4 At the beginning, for the first hour or so, maybe
5 a little bit less, we'll here the agenda items for our
6 July Board meeting. We've got about nine agenda items to
7 hear. And I think we can get through them in less than an
8 hour.

9 Then beginning around 10:00, we'll have the first
10 in a series of workshops that the Committee will be
11 holding over the next few months. Today, we're going to
12 talk about LEAs and work they are doing in the field to
13 implement the Board's requirements on solid waste
14 facilities.

15 With the Board members' indulgence, I think it's
16 best to have two public comment periods today, once at the
17 end of the agenda items and then again at the end of the
18 LEA workshop. I think that will make it more convenient
19 for people who may want to leave following the agenda
20 items.

21 And with that, I'd like to turn it over to Scott
22 Walker, our acting head of the Permitting and Enforcement
23 Division.

24 ACTING DEPUTY DIRECTOR WALKER: Thank you, Board
25 Member Paparian.

1 I'd also like to thank you for the opportunity to
2 fill in for the Deputy Director responsibilities in an
3 acting role. I'll do the best I can to maintain our
4 really good progress and level of performance while Julie
5 Nauman is acting as Chief Deputy Director.

6 I just have a couple of brief items in the Deputy
7 Director's report.

8 The first item, I just want to reiterate, we are
9 making some really good progress on our regulation
10 packages. Last month we reported OAL approval of the
11 captive insurance regulations and the nonhazardous,
12 nonputrescible regulations. We have a couple more that we
13 anticipate OAL approval on any day now. And we're also
14 chipping away at a lot of the process of the other reg
15 packages. So I'm really happy with our progress.

16 Alternative daily cover regulations, we had our
17 first informal workshop. And we have another one in
18 southern California this week. And so we hope to get back
19 to the Board in September on that package.

20 The second item is to notify the Board that the
21 United States Environmental Protection Agency recently
22 issued for common a proposed Research, Development and
23 Demonstration Rule, or RD&D Rule. And this ties in with
24 the need for authority to the State to approve innovative
25 technologies at landfills, such as bioreactor landfills.

1 The third item is that we are -- right now we're
2 spending a lot of time preparing for our LEA conference in
3 August. And it's coming together quite well. And this
4 also will tie into the, as you mentioned, the Committee's
5 first informal workshop, which will be conducted at the
6 end of today's Committee meeting on LEA issues.

7 With that, I'll now hand it back to Board Member
8 Paparian. And if you have any questions, we'd certainly
9 be happy to answer them.

10 CHAIRPERSON PAPARIAN: Okay. Any questions,
11 Committee members?

12 Okay. Why don't we dive into Item B, the
13 Calabasas Landfill.

14 ACTING DEPUTY DIRECTOR WALKER: Item B is
15 consideration of a revised full solid waste facility
16 permit for the Calabasas Landfill, Los Angeles County.

17 And Bill Marciniak will provide the staff
18 presentation.

19 MR. MARCINIAK: Good morning, Board Members.

20 Calabasas Landfill is owned by the --

21 CHAIRPERSON PAPARIAN: Hit the button on the
22 microphone. You'll see the green light.

23 MR. MARCINIAK: Testing.

24 Calabasas Landfill is owned by the county of Los
25 Angeles and operated by the County Sanitation District

1 Number 2 of Los Angeles County.

2 The proposed permit will provide for a correction
3 in the maximum permitted elevation from 1,350 to 1,360
4 feet, and updating the estimated remaining capacity from
5 35 million cubic yards to 25.4 million cubic yards, and
6 updating the estimated year of closure from the year 2018
7 to 2028. And the proposed permit will add permit
8 conditions regarding medical waste training and
9 notification.

10 The LEA has certified the application package is
11 complete and correct and that the report of facility
12 information meets the requirements of the California Code
13 of Regulations.

14 The LEA has also determined that this permit
15 revision is categorically exempt from the provisions of
16 the California Environmental Quality Act.

17 P&I Branch staff have also reviewed the proposed
18 permit and supporting documentation and found them to be
19 acceptable.

20 In conclusion, staff recommends that the Board
21 adopt Solid Waste Facility Permit Decision 2002-364,
22 concurring with the issuance of Solid Waste Facility
23 Permit Number 19-AA-0056.

24 Reese Dodge and Bruce Chan of the Sanitation
25 District and myself are available to answer any questions

1 you may have.

2 CHAIRPERSON PAPARIAN: Any questions, members?

3 Mr. Chan, did you want to add anything?

4 No.

5 I found it interesting in -- my staff explored
6 why the DOI permit, Department of Interior permit, was
7 necessary. And I gather this is one of the very few
8 facilities, maybe the only facility in the country that
9 needs a permit because of its being in association with a
10 national park.

11 MR. MARCINIAK: Yes.

12 CHAIRPERSON PAPARIAN: Anyway, if there's no
13 questions --

14 COMMITTEE MEMBER JONES: Mr. Chair.

15 CHAIRPERSON PAPARIAN: Go ahead, Mr. Jones.

16 BOARD MEMBER JONES: I'll move adoption of
17 Resolution 2002-364, the consideration of a revised full
18 solid waste facilities permit for the Calabasas Landfill
19 in L.A. County.

20 COMMITTEE MEMBER MEDINA: Second.

21 CHAIRPERSON PAPARIAN: Okay. It's been moved and
22 seconded.

23 Secretary, call the roll.

24 SECRETARY FARRELL: Jones?

25 COMMITTEE MEMBER JONES: Aye.

1 SECRETARY FARRELL: Medina?

2 COMMITTEE MEMBER MEDINA: Aye.

3 SECRETARY FARRELL: Paparian?

4 CHAIRPERSON PAPARIAN: Aye.

5 And this will be an item appropriate for the
6 consent agenda.

7 Okay. The next, Item C, related to the Escondido
8 Resource Recovery Transfer Station.

9 ACTING DEPUTY DIRECTOR WALKER: Thank you.

10 Tad from the Permitting and Inspection Branch
11 will give you the staff presentation.

12 MR. GEBREHAWARIAT: Good morning.

13 The proposed revised permit is to allot for the
14 following changes: Increase the permitted hours of
15 operation from the current 6:00 a.m. to 11:00 p.m., Monday
16 through Saturday, to a 24-hours, 7-days-a-week operation;
17 and also increase the permitted maximum daily tonnage from
18 1,500 to 2,500 tons per day; and, as well, increase the
19 permitted maximum traffic volume at the facility from 774
20 to 3,232 passenger car equivalents per day.

21 As we have presented in the table on Page 3-3 of
22 the Board agenda item, all of the requirements for the
23 proposed permit have been met.

24 Therefore, staff recommends that the Board adopt
25 Solid Waste Facilities Permit Decision Number 2002-366,

1 concurring with the issuance of Solid Waste Facility
2 Permit Number 37-AA-0906.

3 Mr. Gary Erbeck, the Director of the San Diego
4 County LEA Program and Mrs. Pam Raptis of the LEA staff as
5 well as Ms. Victoria Tobias in the General Manager
6 facility are here to answer any questions you may have.

7 This concludes staff presentation.

8 CHAIRPERSON PAPARIAN: Any questions, Members.

9 Ms. Tobias, I understand you're the new president
10 of CRRC. Congratulations on that.

11 COMMITTEE MEMBER MEDINA: I had one question.

12 CHAIRPERSON PAPARIAN: Yes. Mr. Medina.

13 COMMITTEE MEMBER MEDINA: Yes. I just noticed
14 that the passenger car equivalent is going up
15 significantly.

16 Do you know what impact that may have on the
17 surrounding neighborhoods?

18 MR. GEBREHAWARIAT: It's been analyzed in the
19 CEQA document. And this number was simply taken out of
20 the EIR that was prepared for the project. And the
21 setting is an industrial setting. And it is thought not
22 to have any impact on the surrounding land units.

23 COMMITTEE MEMBER MEDINA: And what's the
24 proximity to the major highway?

25 MR. GEBREHAWARIAT: I'll defer that to the LEAs.

1 MS. RAPTIS: Pam Raptis, County of San Diego LEA.

2 The proximity to the major highway, Highway 15,
3 is less than one mile. We have mostly surface streets
4 that come into it. And the analysis included the surface
5 streets as well as the freeway access. And there are
6 mitigations that we'll put into the conditional use permit
7 for this for final approval and for expansion of continued
8 commercial growth in the area.

9 COMMITTEE MEMBER MEDINA: So what are some of the
10 mitigations?

11 MS. RAPTIS: There will be a light -- a
12 controlled light put down on the block just previous to
13 the transfer station. And there's also a proposal for a
14 future light down at another block north of the transfer
15 station in the future. Those are both dependent upon
16 other commercial growth coming on in the area.

17 One of the reasons the PCE did go up is the
18 amount of self-haul traffic that is coming into the
19 facility, that three years ago when the initial
20 Environmental Impact Report was conducted there was not as
21 much self haul. This transfer station, because it
22 accommodates the community so well, increases the amount
23 of self haul that has come in. And one of the reasons for
24 this permit revision was to increase that traffic count so
25 that home owners are not turned away, as well as being

1 able to increase the tonnage that the homeowners can bring
2 in, not just the collection vehicles.

3 COMMITTEE MEMBER MEDINA: So you don't foresee
4 any adverse impacts from the traffic -- the increase in
5 traffic?

6 MS. RAPTIS: No. The transfer station added a
7 second scale house, so that if there was some increased
8 traffic coming into the facility, they could get it off
9 the main arteries very quickly and into the facilities so
10 that we wouldn't have a lot of traffic out on those roads
11 impacting the right and left turn lanes.

12 COMMITTEE MEMBER MEDINA: Very good. Thank you.

13 CHAIRPERSON PAPARIAN: Any other questions?

14 COMMITTEE MEMBER MEDINA: With that, I'd like to
15 move Resolution 2002-366, consideration of revised full
16 solid waste facilities permit for the Escondido Resource
17 Recovery Transfer Station and Materials Recovery Facility
18 of San Diego County.

19 COMMITTEE MEMBER JONES: Second.

20 CHAIRPERSON PAPARIAN: There's been a motion and
21 a second.

22 Secretary, call the roll.

23 SECRETARY FARRELL: Jones?

24 COMMITTEE MEMBER JONES: Aye.

25 SECRETARY FARRELL: Medina?

1 COMMITTEE MEMBER MEDINA: Aye.

2 SECRETARY FARRELL: Paparian?

3 CHAIRPERSON PAPARIAN: Aye.

4 I probably should have done this on the last one.

5 If it's all right with members, I'd like to leave the roll

6 open for Senator Roberti when he arrives. But I think

7 this would be a candidate for the consent agenda after he

8 adds on, assuming he has no objection.

9 COMMITTEE MEMBER JONES: Okay.

10 CHAIRPERSON PAPARIAN: Item D is related to the

11 Inland Empire Utilities Agency Composting Facility.

12 ACTING DEPUTY DIRECTOR WALKER: Yes, Item D is

13 consideration of a revised full solid waste facilities

14 permit on composting for Inland Empire Utilities Agency

15 Composting Facility, San Bernardino County.

16 Diane Ohiosumuo will provide the staff

17 presentation.

18 MS. OHIOSUMUO: The Inland Empire Utilities

19 Agency Composting Facility has proposed a permit that

20 would allow the following: An increase in the tonnage

21 from 1,250 tons per day to 1,300 tons per day; an increase

22 in the amount of sewage sludge accepted as part of the

23 total tonnage from 150 wet tons per day to 200 wet tons

24 per day; also to update the report of composting site

25 information to reflect the proposed increase in tonnage

1 and a new subcontractor for the composting sewage sludge.

2 Board staff has determined that all the
3 requirements have been met.

4 Please note that in -- there's a typographical
5 error in the agenda item under the "recommendations"
6 section. The permit number is 36 double A 0316, not 36
7 double A 016.

8 Staff recommends that the Board adopt Solid Waste
9 Facilities Permit Decision Number 2002-368, concurring
10 with the issuance of Solid Waste Facilities Permit Number
11 36-double A-0316.

12 That concludes staff's presentation.

13 CHAIRPERSON PAPARIAN: Any questions.

14 COMMITTEE MEMBER JONES: I have one question, Mr.
15 Paparian.

16 As part of the RDSI or the -- whatever the --
17 RFI, are they compliant with the new regulations for an
18 order management plan? Are they -- do they have time to
19 submit that, or was it part of this package?

20 MS. OHIOSUMUO: It is not a part of this package.

21 COMMITTEE MEMBER JONES: Do they have time under
22 the existing law to put that together? So I just wondered
23 where they were at in the process. Okay.

24 CHAIRPERSON PAPARIAN: Any other questions?

25 I had a couple questions.

1 It appears they exceeded the daily tonnage
2 requirements when staff went and inspected the facility.

3 MS. OHIOSUMUO: That is correct.

4 CHAIRPERSON PAPARIAN: Their requesting increase
5 in tonnage is 50 tons a day, from 1,250 to 1,300. Would
6 that 50-ton increase cover the exceedances, or are they --

7 MS. OHIOSUMUO: I will cover it.

8 CHAIRPERSON PAPARIAN: Okay. So they were just
9 barely getting over the 1,250?

10 MS. OHIOSUMUO: Yes, that's correct.

11 CHAIRPERSON PAPARIAN: And then, has the Water
12 Board taken action on whatever permits they have to give?

13 MS. OHIOSUMUO: As far as I know, the Water Board
14 has not taken any action. On my question -- I should have
15 asked for clarification regarding the Water Board. Are
16 you talking about the tonnage or are you talking about the
17 WDR?

18 CHAIRPERSON PAPARIAN: No, just generally. They
19 have to issue a permit I believe, WDR. And obviously that
20 doesn't affect our action. I'm just curious whether
21 they've taken their action yet.

22 MS. OHIOSUMUO: They do have a Board order.

23 I am -- to the best of my knowledge, the regional
24 board does oversee their operations. As a matter of fact,
25 the LEA has even referred items or issues to the regional

1 board to follow-up on.

2 So, yes, they do have to comply with the regional
3 boards.

4 CHAIRPERSON PAPARIAN: Okay. Anything else.

5 COMMITTEE MEMBER JONES: Mr. Chair.

6 CHAIRPERSON PAPARIAN: Yes, Mr. Jones.

7 COMMITTEE MEMBER JONES: I'll move adoption of
8 Resolution 2002-368, consideration of a revised solid
9 waste facilities permit, composting, for the Inland Empire
10 Utilities Agency Composting Facility in San Bernardino
11 County.

12 COMMITTEE MEMBER MEDINA: Second.

13 CHAIRPERSON PAPARIAN: There's been a motion and
14 a second.

15 Secretary, call the roll.

16 SECRETARY FARRELL: Jones?

17 COMMITTEE MEMBER JONES: Aye.

18 SECRETARY FARRELL: Medina?

19 COMMITTEE MEMBER MEDINA: Aye.

20 SECRETARY FARRELL: Paparian?

21 CHAIRPERSON PAPARIAN: Aye.

22 We'll hold the roll open for Senator Roberti. I
23 think it's another candidate for consent, whether he adds
24 on.

25 Item E is related to the Central Valley Waste

1 Services Facility.

2 ACTING DEPUTY DIRECTOR WALKER: Item E is
3 consideration of a Revised Full Solid Waste Facilities
4 Permit (transfer/processing station) for Central Valley
5 Waste Services, Inc., San Joaquin County.

6 And Keith Kennedy will provide the staff
7 presentation.

8 MR. KENNEDY: Good morning, Committee Members.

9 The San Joaquin County LEA performed a five-year
10 permit review of the Central Valley Waste Services in May
11 of this year.

12 Per the review, three changes to the permit are
13 proposed for a revision:

14 A change in public receipt of waste from six to
15 seven days per week and a change in the owner and operator
16 of the facility from California Waste Removal Systems,
17 Inc., to U.S.A. Waste of California, Inc. The 1991 final
18 Environmental Impact Report for the facility addresses
19 public receipt of waste seven days per week.

20 Staff would also like to make the Committee aware
21 that the sorting equipment at the facility have been
22 changed at this time. The LEA drafted a stipulated
23 agreement with the operator that states that they will
24 conduct a study to make sure that the level of noise,
25 particulates, and vibrations do not exceed levels

1 addressed in the existing EIR.

2 No other changes to the facility are proposed.

3 Board staff recommends that the Committee concur
4 with the issuance of the Revised Solid Waste Facilities
5 Permit Number 39-AA-0017.

6 Alex Oscara, the operator of the facility is
7 available for questions. And I believe Dave Vaccarezza, a
8 neighbor of the facility, would like to address the
9 Committee.

10 I'd also be happy to answer any questions.

11 CHAIRPERSON PAPARIAN: Okay. We do have a
12 speaker slip from David Vaccarezza. Would you like to
13 come up and --

14 MR. VACCAREZZA: I'll defer until Central
15 Valley -- I'd like to speak last.

16 CHAIRPERSON PAPARIAN: This is your opportunity
17 actually, unless there -- was there any questions of staff
18 from committee members? Particularly, we would --

19 MR. VACCAREZZA: That's fine. I have copies of
20 some things I want to hand out to you, if that's okay.

21 CHAIRPERSON PAPARIAN: Okay. Perhaps Mr. Walker
22 can help you get those up to us.

23 Yeah, if you can make sure your mic is on, and
24 then identify yourself for the court reporter.

25 MR. VACCAREZZA: My name is Dave Vaccarezza. I

1 live on 999 East Tourier Road. My property is directly
2 adjacent to the Waste Management's Central Valley Waste
3 Facility under consideration today. My residence is
4 approximately 150 feet from the property line.

5 I've got a prepared presentation on two portions
6 of this. And I was just made aware today that this permit
7 now has been split into two separate permits, one for the
8 composting aspect, the other for the transfer station
9 aspect.

10 So I'll begin with -- first, I want to go on
11 record by being adamantly opposed to the continuation of
12 the composting, grinding, and green waste portion of the
13 permit that is currently under your review today.

14 I'm opposed to the current hours of operation. I
15 believe they should be curtailed to Monday through
16 Saturday, 8:00 a.m. to 5:00 p.m.

17 Additionally, I advocate a review of the
18 operating procedures presently in place as well as
19 those -- as well as a thorough review of all the existing
20 conditions of the permits.

21 The circumstances surrounding my situation are
22 unique. This is not a typical case of a homeowner buying
23 a home only to later discover that a solid waste facility
24 exists in the neighborhood. Subsequently, that homeowner
25 then goes crying to the local regulator about the

1 declining property values and then seeks out a way to
2 close or curtail the operations of that facility.

3 Usually, the regulating body then points out to
4 the homeowners that it was his obligation to research the
5 property prior to buying near such a facility, and that
6 they'll be forced to have to live with the situation.

7 My situation is, in fact, the opposite. I must
8 first give you a brief history in order to explain the
9 current circumstances that have evolved.

10 Prior to Waste Management ownership I personally
11 owned the facility and acquired all the necessary permits
12 that are in place. I built and operated the facility from
13 its inception until 1997, when I sold to United Waste
14 Systems, Inc. After a series of acquisitions and mergers,
15 United Waste eventually sold to Waste Management.

16 In 1982, I acquired the property on which I live.
17 It's approximately 11 acres that sits on a beautiful
18 section of the Mokelumne River waterfront. In 1990 I
19 built a home on the site and moved in. All the while I
20 continued to build and operate a state-of-the-art transfer
21 station, recycling, and composting facility.

22 My family and I lived next door. There were no
23 short cuts taken in mitigating negative noise, odor,
24 litter, dust, or vector problems. Life was good at the
25 Vaccarezza family household.

1 With the foresight that some day I may not be in
2 a position of ownership or control over the facility's
3 operations, I decided to record into the deed of the
4 facility's property a Declaration of Commercial Covenants
5 under Commercial -- under Civil Code Number 1468. The
6 Declaration of Commercial Covenants set the standards by
7 which any current or future owner of the property must
8 abide by.

9 When Waste Management, Inc. acquired the facility
10 and its property, they agreed to accept those commercial
11 covenants.

12 The above chronology of events brings us to where
13 we have been for the past five years. You see, life
14 hasn't been so good at the Vaccarezza household lately.

15 I have over the past five years attempted to get
16 many issues resolved directly with the management of Waste
17 Management. Those issues include excessive noise,
18 obtrusive odors, flies, vectors, ambient litter, dust, and
19 the dangerous operating conditions of their grinding
20 operations.

21 Many of those issues were resolved on a temporary
22 basis. However, the majority of those issues remain
23 ongoing and unresolved. There exists on file at San
24 Joaquin County Environmental Health Division a
25 documentation of some of the ongoing issues.

1 I have enclosed several photographs as a sample
2 of some of the problems which have transpired over the
3 years. I would hope that you'd take into consideration
4 the ongoing problems I have experienced, along with the
5 Declaration of Commercial Covenants which Waste Management
6 agreed to in setting forth the conditions for ongoing --
7 for the ongoing operations of the Waste Management, Inc.,
8 Central Valley Waste System's facility.

9 I'm not taking a position of trying to shut down
10 the operation of the Waste Management, Inc. However, I do
11 expect them to live up to the standards that they've
12 agreed to with the surrounding property owners as well as
13 those conditions set forth by the State and local
14 government.

15 Thank you for the opportunity to present my views
16 and opinions to your Committee.

17 And I'd be happy to take some questions.
18 Although, I would like to pass around a couple other
19 things here.

20 This is a little bit of the shrapnel that comes
21 over the fence. I've got a few photos of that as well.

22 The other issue that I wanted to bring up is the
23 procedure that's in place or that has already occurred,
24 you might say. You know, it's my understanding -- and
25 having been familiar with the permit procedure itself and

1 having permitted a couple of these facilities myself, it
2 came to my attention that they were up for a five-year
3 review; and, you know, I looked for my opportunity to have
4 public input on a local level, which, however, I found out
5 there is none on a five-year review. However, this is the
6 one chance I do get to come before you.

7 But I guess what is a little more disturbing to
8 me is the fact that, you know, all of the changes that
9 have taken place in the material recovery facility have
10 already taken place before they've gone through the permit
11 process.

12 I have here somewhere a letter from the LEA. Why
13 don't I go ahead and ask you to pass these out.

14 There's been some correspondence going back and
15 forth on this. It came to my attention that a letter from
16 Keith Kennedy dated May 10th, 2002, where he states that
17 any design or operational changes associated with this
18 document are not sanctioned until incorporated into the
19 Solid Waste Facility Permit which has been concurred in by
20 the Board and issued by the LEA.

21 So, in essence, you know, this operation is
22 already -- all the modifications at the materials recovery
23 facility transfer station have taken place, are in place
24 and are operational, and yet the permit process has not
25 been completed. And I would just question if that's a

1 common practice of the LEA or it's a policy of the Board
2 to allow that to happen.

3 Obviously, I've not had an opportunity to have
4 public input into what's going on in my neighborhood, and
5 would just hope that you take these items into
6 consideration when you make your decisions on what should
7 really take place at that facility.

8 I want to reiterate again, I'm not here to try
9 and shut down Central Valley Solid Waste Facilities.
10 However, I do want to make it clear that I think they
11 should live up to the agreements that they've had with the
12 surrounding neighbors as well as in compliance with the
13 local and State and federal obligations that they've
14 undertaken.

15 Thank you for your time. And I'm happy to
16 entertain any questions.

17 CHAIRPERSON PAPARIAN: Mr. Jones.

18 COMMITTEE MEMBER JONES: Mr. Vaccarezza, what are
19 the differences between when you operated this facility
20 and the one's operating now? I mean, are these
21 differences pretty stark? I mean, is it the location of
22 the grinder, is -- I mean, what's causing some of this?

23 MR. VACCAREZZA: Well, you've got to understand
24 that when I operated the facility, I slept with the
25 neighbor next door, which was my wife. And any of those

1 situations that were intolerable, i.e., flies, dust, odor,
2 hours of operation, I was obviously in control of those
3 kinds of things and was very aware of it. And knowing
4 that some day I would probably see that facility put into
5 place -- put those covenants into place.

6 And I would say they have changed significantly.
7 I mean, the hours of operation are 24-7. You know, the
8 grinder location -- you know, a lot of things get solved
9 temporarily and the squeaky wheel does get the grease.
10 And I've got to tell you that, you know, when I go to them
11 and ask them to make some changes, they make them. But
12 they're not long term, they're not permanent, there's no
13 longevity to the solution.

14 Flies are a continual battle in terms of, you
15 know, what I think are bred by materials staying on site
16 too long, not having the same wash-down procedures that we
17 had in the past. I had a seven-day policy where
18 everything was washed down at least once every seven days.
19 That has a major impact on -- I think on the cleanliness
20 of the facility.

21 Dust and odor. I think where you locate that
22 grinder, the times of day, the weather conditions, all
23 dictate what happens to that dust.

24 Ambient litter. I mean, when you don't have
25 things inside of the building, they're going to blow

1 around. That's been the situation for the last four
2 years, where we get a wind storm and, you know, we've got
3 a major cleanup. And they're the first to say, "Hey,
4 we'll come over and clean it up." Well, you know, I don't
5 know how many -- how often you guys want guys walking
6 around your backyard, you know, picking up the mess.

7 But it's a problem, and it's one I think that --
8 we had a clear understanding when we made the sale of the
9 company through these Declaration of Commercial Covenants
10 that they've not abided by. And we do have, you know, the
11 ability to go and get injunctive relief. I've not gone
12 down that corridor. I've attempted to solve things as
13 neighbors one on one. The LEA has not been involved until
14 just recently.

15 But this is my one shot in five years to come
16 before you and put into place something that's going to
17 stick, something that's got some real muscle behind it,
18 without going to the courts and getting injunctive relief.
19 And I really don't want to go down that road. I just want
20 to -- I want to have a good neighborhood and have them
21 live up to the good neighbor policy in an ongoing basis
22 and in a situation where I don't have to continually
23 remind them of what they have to do.

24 And I'm probably not the best neighbor in that,
25 you know, I know what it takes to run one of those

1 facilities. I know what it costs to run one of those
2 facilities. And there is cost associated with them. And
3 I think too often maybe the bottom line is taken into
4 consideration over and above the neighborhood
5 relationship.

6 BOARD MEMBER JONES: You had said early in your
7 testimony that you just became aware that this got split.
8 It's not going to be a composting/transfer station permit.
9 They're splitting. So today we're dealing with the
10 transfer station.

11 MR. VACCAREZZA: Correct.

12 BOARD MEMBER JONES: Is the majority of your -- I
13 understand the cleanliness of washing the facility down
14 and those things.

15 Is the majority of your issues with the
16 composting facility and the grinding facility or -- are
17 they equal?

18 MR. VACCAREZZA: No, it goes across the board.
19 And if you've been to the site, it's all one piece of
20 property. And I know it's been bifurcated into two
21 separate permits.

22 But the noise that comes from the material
23 recovery facility, the trucks, the transfer station, all
24 of those have an impact. And the ambient litter obviously
25 comes from the transfer -- the majority of the ambient

1 litter comes from the transfer station and recycling
2 center. Noise is generated at the recycling center as
3 well.

4 So they do cross over. And I don't know how you
5 can really, you know, separate the two. You know, when
6 the wind comes up, it's going to blow green waste as well
7 as it's going to blow plastics and recycling elements as
8 well.

9 CHAIRPERSON PAPARIAN: Now, you said that you
10 have recently contacted the LEA?

11 MR. VACCAREZZA: They've been aware of the
12 situation, yes.

13 CHAIRPERSON PAPARIAN: Okay. How --

14 MR. VACCAREZZA: For a better part of -- I
15 believe our first -- I submitted a significant portion of
16 my correspondence back and forth with Central Valley some
17 time back in -- it may go back as far as November or
18 February, something like that. I'm not sure.

19 CHAIRPERSON PAPARIAN: Okay. Because the
20 information we have before us suggests that there have
21 been no terms and conditions, violations or State minimum
22 standards violations.

23 MR. VACCAREZZA: You know, as I said, I've tried
24 to resolve this neighbor to neighbor as opposed to taking
25 it to the Health District.

1 CHAIRPERSON PAPARIAN: Okay. Do you feel like
2 since you have contacted the LEA that they're being
3 responsive to your concerns?

4 MR. VACCAREZZA: I don't want to comment on that.

5 CHAIRPERSON PAPARIAN: Okay. Any questions?

6 Does staff want to respond?

7 Oh, Mr. Medina. I'm sorry.

8 COMMITTEE MEMBER MEDINA: Yeah, the only thing
9 that I can note is -- I appreciate Mr. Vaccarezza's
10 concerns. I note that, you know, there's a change in
11 operator; a change in owner-operator that's taken place;
12 the compliance history, as Chair Paparian mentioned, has
13 been excellent between '98 and 2002 according to the
14 information that we have.

15 We don't have the commercial covenants before us
16 to review. However, I would say that the LEA should
17 monitor this situation closely, given your concerns
18 expressed here today. And hopefully given their previous
19 good compliance history, they should continue to do so.
20 And if there's any concerns, then you should communicate
21 those to the LEA.

22 MR. VACCAREZZA: I had communicated those in
23 writing, although the permit processing seems to be --
24 have been expedited in the last two months. If you go
25 back into public records of the Health District, you'll

1 find that the number of correspondence that have taken
2 place over the course of really the last 60 days in
3 reference to the compliance issues I've talked about.

4 CHAIRPERSON PAPARIAN: Mr. Walker.

5 ACTING DEPUTY DIRECTOR WALKER: Yes. I would add
6 that we do have a representative from the LEA here.
7 Perhaps you could come up and just respond to the issues.

8 CHAIRPERSON PAPARIAN: Thank you. And if you
9 could identify yourself for the court reporter.

10 MR. McCLELLAN: Good morning, Chairman of the
11 Board, Members.

12 My name's Robert McClellan, San Joaquin --

13 CHAIRPERSON PAPARIAN: Hold on. Make sure the
14 little green light is on.

15 MR. McCLELLAN: It's on.

16 CHAIRPERSON PAPARIAN: Okay, good.

17 MR. McCLELLAN: My name's Robert McClellan. I'm
18 with San Joaquin Environmental Health LEA.

19 And this process started back when we had to
20 notify Central Valley Waste of their five-year -- pending
21 five-year review in January. And, at that point, in time
22 they were talking about some of the changes that they were
23 proposing to make inside the MERF, which are basically --
24 I couldn't clarify it as a simple little equipment
25 change-out, but essentially they were changing the

1 processing equipment inside the facility.

2 So they're going to a more separation by
3 mechanical means instead of by picking all the waste
4 itself.

5 It was during the conversation in regards to the
6 change that it had come to our attention that the permit
7 was intentionally supposed to be written for a
8 seven-day-open-to-the-public timeframe. And for some
9 reason in '97, which I wasn't here at that time, the
10 permit got written nor a six-day timeframe.

11 So we're here getting that rectified.

12 Mr. Vaccarezza had contacted me in regards to his
13 concerns with the facility. At that point in time that's
14 the only time I'd ever got any contact from Mr. Vaccarezza
15 previous to that. And he had concerns over the equipment
16 change-out and that it might generate more dust, noise, or
17 vibration. He was concerned that some of the equipment
18 being placed in there might be vibrating and that might
19 set up harmonics somewhere else off site.

20 Looking -- in talking with the facility
21 operators, which are here today, they indicated that the
22 change in the equipment, because some of it was used, we
23 didn't have all the brochures, we couldn't make the
24 findings immediately whether or not this would increase
25 noise or not. Don't suspect it will. It is going to

1 reduce -- at this point in time all we've been discussing
2 were the operations. But they plan to only operate one
3 shift instead of two, at this point in time, because their
4 waste stream inability of the new equipment to process
5 this stuff will essentially lower the amount of time they
6 plan to operate.

7 Dave Vaccarezza had sent me the information that
8 he was talking about with regard to the covenants --
9 commercial covenants and some of his issues on -- April
10 11th is the date of his letter. We received it some time
11 after that.

12 The issues in that packet, about half of those
13 issues -- I don't mean to trivialize his concerns here --
14 were specifically to handle the CC&R's, which we have no
15 authority to enforce.

16 One of the noise complaints, as I recall, was in
17 regards to a bell ringer. And that I have no -- I have no
18 authority over.

19 The other issues were scrap metal from the
20 grinder. And I assured him that we would take a look at
21 that when we were there. His photos, if you'd take a
22 look, the grinder was positioned much closer to the fence
23 and oriented in a different direction than it is now.
24 It's actually pulled back from the fence. If I was a
25 gambling man, if I was to guess, it'd probably be

1 somewhere around 100 feet, and it's oriented in a
2 different direction. So that essentially the debris that
3 would come out of it would go a different direction. And
4 that's further away from Mr. Vaccarezza's residence.

5 As for the composting operation, the permit
6 itself was issued in '97, so we're not splitting it at
7 this point in time. That permit was issued for the
8 compost operation when they went for their permit for the
9 transfer station MERF in '97. So those have been existing
10 since that time.

11 I'm trying to think here. The composting
12 operation itself, it was much more active when Mr.
13 Vaccarezza owned it. At this point in time, all they do
14 is bring in the green waste. They grind it and then ship
15 it out. And some of -- half the waste that comes in
16 doesn't even get ground; it gets shipped out as it is to
17 another waste management facility.

18 As for the residence time of some of the
19 recyclable materials on site, sometimes that seems to hang
20 around for awhile. We've been monitoring that and we've
21 essentially indicated that we want that moved out, which
22 they've assured me there's not going to be a problem once
23 the new equipment gets in. The stuff that's on site now
24 is really minimal. They've been really good. They've
25 been shipping the stuff out as they've been making the

1 changes to the facility.

2 My understanding is it's not operational yet, but
3 that they plan to become operational. They're in the
4 process of installing the equipment.

5 What was the other issue? Vector control.

6 Vector control -- somebody fell asleep there. We
7 went out after Mr. Vaccarezza had made that aware to us.
8 And we made the inspection, and to find to our dismay that
9 essentially the pest control company had not been doing
10 their job. And so they have rectified it. The facility
11 operators have rectified that issue, and that's corrected.

12 Let me think. Hours of operations.

13 The seven-day-a-week hours of operations is a --
14 note, it's in Page 8 -- Page 8 of their EIR that was filed
15 in '97 that they were going to operate seven days a week,
16 open to the public, and that the facility permit that's
17 issued now is going to be -- essentially, operations is
18 cut back from Monday to Saturday, which is what's in the
19 permit that was issued in '97.

20 So I'm trying to think if there are any other
21 issues that I missed.

22 Is there any other questions?

23 CHAIRPERSON PAPARIAN: Mr. Jones.

24 COMMITTEE MEMBER JONES: Thank you, Mr. Paparian.

25 When you say the recycled materials on site, has

1 that been processed, baled, waiting for market, or is
2 that --

3 MR. McCLELLAN: Commingled recyclables that come
4 in, some days they have heavy amounts that come in and it
5 gets stored outside in a bunker. But my understanding is
6 that that was a process that was implemented when Mr.
7 Vaccarezza owned the facility.

8 COMMITTEE MEMBER JONES: Okay.

9 CHAIRPERSON PAPARIAN: Any other questions for
10 the LEA or staff?

11 One second?

12 One of the issues that Mr. Vaccarezza brought up
13 related to the covenants associated with the deed. I
14 don't know if our legal counsel wants to respond to that
15 issue now or perhaps might want to take a little bit of
16 time to take a look at. I know this is an area that we're
17 not used to dealing with.

18 CHIEF COUNSEL TOBIAS: Actually, this issue does
19 arise. It arises a lot at the local level in a use permit
20 situation. So the fact is that CC&R's, or the covenants
21 restrictions, that he's referring to are private
22 instruments between the parties. And that is his method
23 of enforcement. So he will need to pursue that privately.
24 There's not anything that the Government can take into
25 account. So our responsibility, and in fact the local

1 government's responsibility, would be anything that's in a
2 statute or ordinance. These are private instruments or
3 devices between the parties.

4 CHAIRPERSON PAPARIAN: Okay. So we do not have a
5 role in that?

6 CHIEF COUNSEL TOBIAS: There is no role.

7 CHAIRPERSON PAPARIAN: Okay. Mr. Jones.

8 COMMITTEE MEMBER JONES: All right. Thanks.

9 I want to move -- I'm going to first say, Tom
10 Sanchez I guess is a regional manager -- he's sitting
11 here -- for waste. Tom used to work with Dave for a long,
12 long time and then went on. So I'm hoping that whatever
13 these issues are get rectified on the CC&R's. I've got to
14 believe that they will be because you don't operate
15 without any violations for this long -- Vaccarezza ran a
16 great operation and I have -- you know, I haven't been
17 there for a long time, but it doesn't seem like this stuff
18 should be that hard to handle.

19 So I want to move adoption of Resolution
20 2002-365, the consideration of a Revised Full Solid Waste
21 Facilities Permit (transfer/processing station) for the
22 Central Valley Waste Services, Inc., in San Joaquin
23 County.

24 COMMITTEE MEMBER MEDINA: Second.

25 CHAIRPERSON PAPARIAN: Okay. There's been a

1 motion and a second. Secretary, call the roll.

2 SECRETARY FARRELL: Jones?

3 COMMITTEE MEMBER JONES: Aye.

4 SECRETARY FARRELL: Medina?

5 COMMITTEE MEMBER MEDINA: Aye.

6 SECRETARY FARRELL: Roberti?

7 COMMITTEE MEMBER ROBERTI: Aye.

8 SECRETARY FARRELL: Paparian?

9 CHAIRPERSON PAPARIAN: I'm going to vote aye.

10 But I would prefer that this item not be placed on consent
11 at this point, that we forward it with a positive
12 recommendation. I'd like to look at these issues a little
13 bit more. Based on the information that I have, it seems
14 like given our authority and responsibility, it would be
15 appropriate to move this forward. But I'd still like to
16 look into it a little bit more just to be comfortable.

17 So if it's all right with the Committee members,
18 I'd like to --

19 COMMITTEE MEMBER ROBERTI: I agree.

20 CHAIRPERSON PAPARIAN: -- forward with a positive
21 recommendation but not be placed on the consent calendar.

22 Mr. Roberti, we had several items before you
23 arrived, if you want to be added to the roll.

24 The first was the Calabasas Landfill. And all
25 these items, by the way, we all voted positively on.

1 Calabasas Landfill, Item B.

2 COMMITTEE MEMBER ROBERTI: Aye.

3 CHAIRPERSON PAPARIAN: Aye on that one.

4 Then Item C was the Escondido Resource Recovery
5 Transfer Station.

6 COMMITTEE MEMBER ROBERTI: Aye.

7 CHAIRPERSON PAPARIAN: Aye on that one.

8 Item D was the Inland Empire Utilities Agency
9 Composting Facility.

10 COMMITTEE MEMBER ROBERTI: Aye.

11 CHAIRPERSON PAPARIAN: That's an aye on that one.

12 Then Item F was the one we just completed. So
13 we'll move on to Item G.

14 COMMITTEE MEMBER MEDINA: Vote on this --

15 CHAIRPERSON PAPARIAN: Oh, I'm sorry. Item E
16 was -- all right. I'm up to date with him?

17 COMMITTEE MEMBER JONES: Yeah.

18 CHAIRPERSON PAPARIAN: Okay. So we're on to Item
19 F now, which is the Pier 96 facility in San Francisco.

20 ACTING DEPUTY DIRECTOR WALKER: Thank you. Item
21 F is consideration of a new Full Solid Waste Facilities
22 Permit (transfer/processing station) for the Recycle
23 Central, Pier 96 Facility, City and County of San
24 Francisco.

25 Reinhard Hohlwein will give the staff

1 presentation.

2 MR. HOHLWEIN: Good morning.

3 This item regards an existing medium volume
4 transfer facility located in the southwestern industrial
5 area of San Francisco, a pier leased by the operator from
6 the Port of San Francisco. It is currently operating with
7 a registration tier permit. This permit action was
8 sanctioned under the expansion of solid waste handling
9 activity within the large building located on that pier.

10 This facility handles only large amounts of
11 recyclables and materials collected by the San Francisco
12 Curbside Collection Program. There is waste residual
13 associated with this curbside program which necessitates
14 the need for a full permit.

15 Review of the CEQA process has been found to be
16 satisfactory by the ERS Section here at the Board. The
17 facility was inspected by myself in conjunction with the
18 LEA in May and was observed to be in compliance.

19 They had no public opposition to the expansion of
20 the facility, that residents of the nearest neighborhood
21 were kept informed of the proposed expansion to the C1
22 planning processes. The area is best described as marina
23 and industrial.

24 All required findings have been made except for
25 the conformance finding for the nondisposal facility

1 element, which will be heard by a Health and Human
2 Resources Committee of the San Francisco Board of
3 Supervisors, and is Item C on the agenda for the
4 Diversion, Planning and Local Assistance Committee meeting
5 tomorrow.

6 If the Board approves the updated performance
7 finding and adjustment to the NDFE, then Board staff
8 recommend concurrence on this item and the adoption of
9 Resolution 2002-369.

10 The LEA is here, the operator is here, and I'm
11 available to answer any questions.

12 CHAIRPERSON PAPARIAN: Any questions, members?

13 COMMITTEE MEMBER JONES: Mr. Paparian.

14 CHAIRPERSON PAPARIAN: Mr. Jones.

15 COMMITTEE MEMBER JONES: I think if -- I think
16 obviously any motion that either Mr. Medina or myself
17 might make has got to be conditioned that it will be based
18 on the approval of the NDFE. We've got to have the NDFE
19 in hand prior to this. But I mean I'm prepared to move
20 concurrence with this permit predicated on the fact that
21 we do have an NDFE in hand prior to the Board meeting.

22 CHAIRPERSON PAPARIAN: Right. And I would
23 suggest for that reason we would not put it on consent.

24 COMMITTEE MEMBER JONES: No, I don't want to put
25 it on consent.

1 Mr. Chair -- is that good with everybody?

2 Everybody comfortable with that?

3 COMMITTEE MEMBER ROBERTI: Well, just put it out
4 without recommendation and --

5 COMMITTEE MEMBER JONES: With the recommendation
6 based on that.

7 COMMITTEE MEMBER ROBERTI: Or with the
8 recommendation that is tentative to --

9 COMMITTEE MEMBER JONES: -- getting the NDFE.

10 All right. I'll move adoption of Resolution
11 2002-369, consideration of a Full Solid Waste Facilities
12 Permit for the Recycle Central Pier 96, in the City and
13 County of San Francisco, predicated on the fact that we
14 have a valid NDFE by the Board meeting.

15 COMMITTEE MEMBER MEDINA: I'll second that, and
16 concur with Mr. Jones in regards to that NDFE.

17 COMMITTEE MEMBER JONES: Thanks, Mr. Medina.

18 CHAIRPERSON PAPARIAN: Motion by Mr. Jones and a
19 second by Mr. Medina.

20 Secretary call the roll.

21 SECRETARY FARRELL: Jones?

22 COMMITTEE MEMBER JONES: Aye.

23 SECRETARY FARRELL: Medina?

24 COMMITTEE MEMBER MEDINA: Aye.

25 SECRETARY FARRELL: Roberti?

1 COMMITTEE MEMBER ROBERTI: Aye.

2 SECRETARY FARRELL: Paparian?

3 CHAIRPERSON PAPARIAN: Aye.

4 Okay. The next is Item G related to the Alturas
5 Landfill in Modoc County.

6 ACTING DEPUTY DIRECTOR WALKER: Item G is
7 consideration of a Revised Full Solid Waste Facilities
8 Permit (disposal facility) and adoption of a negative
9 declaration for the Alturas Landfill, Modoc County.

10 Mary Madison-Johnson will make the staff
11 presentation.

12 MS. MADISON-JOHNSON: Mr. Chair and Members,
13 there is a revised item for this in your packet.

14 This item includes two resolutions that will need
15 to be acted on separately by the Board. The first regards
16 the adoption of the negative declaration developed by
17 staff; and the second resolution is for approval of the
18 proposed permit.

19 Mr. Mark de Bie will provide you with more
20 information on staff's recommendation on how the Committee
21 and the Board might act on the separate resolutions.

22 First let me review staff's analysis and findings
23 relative to the proposed permit.

24 Alturas Landfill is the only remaining landfill
25 in Modoc County and has been active since 1969 and has

1 been operating under a Solid Waste Facilities Permit
2 issued in April of 1978. This is, therefore, considered
3 one of the Board's disco permits.

4 For the last strategic plan as part of Division's
5 priority we had a Target Number 3, which was to update all
6 permits that were issued prior to 1990. At that time
7 there were approximately 70 of those disco permits. Since
8 then 51 of these permits have been revised or facilities
9 have closed or their permits have been surrendered or they
10 down-tiered, leaving 19 of the original 69 still having
11 the old permits that need to be updated.

12 The landfill is currently not receiving municipal
13 solid waste. The county's MSW has been transferred out of
14 state since 1995 when the Alturas Transfer Station was
15 constructed at the landfill. The county currently has a
16 long-term contract with Lockwood, Nevada Landfill.

17 The landfill remains active on a limited basis
18 for disposal of C&D waste, for the use in emergencies, or
19 in a case that delivery of waste to Nevada was
20 interrupted.

21 Since 1995 the landfill received non-municipal
22 solid waste intermittently, with an overall average of 1.3
23 tons per day.

24 The proposed permit would allow for the
25 following: Restrict the operations to daylight hours;

1 allow approximately 6,000 tons per year or an average of
2 16 tons per day. The permit contains an end note that
3 states, "All waste will go through the existing transfer
4 station which is permitted to receive a maximum of 25 tons
5 per day." Therefore, a maximum of 25 tons per day shall
6 be received at the landfill.

7 The waste types and amounts are as stated
8 previously, expected to be for disposal of C&D waste, with
9 an overall average of 1.3 tons per day. Height is limited
10 in a closure plan to 4,448 MSL.

11 It specifies an estimated closure date of 2028 at
12 1.3 tons a day or 2005 at 16 tons a day -- at 16 tons per
13 day, right.

14 Traffic is not specified, however, indirectly
15 limits since the on-sight transfer station which shares
16 the same interests to the landfill is restricted at 146
17 vehicles per day.

18 Changes for the facility boundary are to the
19 entire 162-acre parcel, including the dead-animal pit,
20 septic ponds, and the inactive ash and metal scrap
21 disposal area. And that lastly it specifies a disposal
22 footprint of 27.5 acres total.

23 At the time this item was prepared, staff had not
24 been able to make required findings for consistence in the
25 State minimum standards or CEQA compliance.

1 When staff did the inspection for State minimum
2 standards, they found a violation to the grading
3 standards. The operator has regraded the area and is
4 installing a drainage ditch to rectify any problem of
5 ponding water at this -- in this area. And, therefore,
6 the site is now in compliance with the minimum standards.

7 And regarding the CEQA compliance, Mr. de Bie
8 will provide staff's suggestion on how the Committee and
9 the Board might act on the two resolutions before you.

10 MR. De BIE: Good morning, Committee Members.
11 Mark de Bie with the Permitting and Inspection Branch.

12 I asked Mary to let me handle this one because
13 it's a bit unique. And so basically what I want to
14 indicate to the Committee is a couple things, one
15 regarding the negative declaration which staff prepared
16 for the Board support of this item, this permit.

17 The comment period closed over the weekend. And
18 we've been advised by counsel that we should continue the
19 comment period through the end of business today. So we
20 are holding open the comment period for the negative
21 declaration because of the weekend issue.

22 Whether that was the case or not, staff would
23 advise the Committee that the Board, as a whole, should
24 act on the negative declaration -- the approval of the
25 negative declaration. So we would have recommended the

1 Committee just forward a recommendation to the Board
2 indicating approval of the negative declaration, and not
3 take a unilateral action today.

4 We would just modify that recommendation to
5 indicate that if staff does not receive any additional
6 comments by close of business today, that the Board --
7 that the Committee recommend to the Board that they adopt
8 the Neg Dec.

9 Relative to the permit, as Mary indicated, all of
10 the outstanding issues have been rectified. And so staff
11 would recommend to the Committee that they go ahead and
12 approve the permit. As the Neg Dec is coming up to the
13 full Board for action, we would advise that perhaps the
14 permit just come along with it, and the Board be asked to
15 act on both resolutions, first the Neg Dec and then the
16 permit. So as opposed to putting the permit on consent
17 and then doing the Neg Dec, just bring them both up
18 together.

19 If there's any questions about process, I'll be
20 happy to address them.

21 CHAIRPERSON PAPARIAN: You have not received any
22 comments? Up to now you have not received any comments?

23 MR. De BIE: Oh, sorry.

24 We have received two comment letters that we
25 provided to the Board members under separate cover, a

1 memo, and then as well as revisions to the agenda item
2 that were sent out just prior to the holidays, I believe,
3 or maybe Friday. So hopefully you have them in your
4 packet.

5 One letter was from CalTrans, indicating that
6 they didn't see any issues in their area. And the second
7 letter was from the local enforcement agency.

8 And based on the two letters, staff don't see a
9 need to modify or change in any way the negative
10 declaration at this time.

11 CHAIRPERSON PAPARIAN: Ms. Tobias, do you have a
12 comment?

13 CHIEF COUNSEL TOBIAS: I have another comment
14 somewhat separate from the Neg Dec. So I don't want to
15 interrupt if you're still on the Neg Dec issue.

16 CHAIRPERSON PAPARIAN: Any other questions about
17 the Neg Dec?

18 Go ahead.

19 CHIEF COUNSEL TOBIAS: One of the issues that
20 came up in reviewing this permit at the time, and I think
21 we resolved it due to the ability to refer back to the
22 environmental documents, is the question of a standard
23 description of the project in terms of tonnage.

24 And I'm wondering if the Committee is interested
25 in looking at a policy of how these projects come forward

1 in terms of being described in terms of the tonnage,
2 tonnage per year and average daily tonnage, et cetera.

3 And I may not -- I'll beg the Committee's
4 indulgence. I'm just back from a week's vacation, so I
5 didn't have time to coordinate as much as I would have
6 liked with P&E. And I don't know whether Mark can step in
7 and help me out on this discussion. But I'm thinking that
8 it would be good if we had a consistent description of all
9 the facilities in the State.

10 Mark, can you make --

11 MR. De BIE: Yes. Legal Office in their review
12 of this agenda item didn't ask staff regarding the
13 question of how tonnage was being expressed in the permit.
14 And then that soon brought into a larger issue about, you
15 know, how tonnage is being addressed in the solid waste
16 facility permits.

17 Part of the discussion was there are no statute
18 or regulatory requirements to, you know, design or write a
19 permit in a specific way. But certainly tonnage being
20 expressed in a consistent way is a mutual concern between
21 P&I staff and the Legal Office.

22 We did some research in -- and found that nearly
23 all of the solid waste facility permits that the Board has
24 acted on in the last three years did have tonnage
25 expressed in tons per day. There were three exceptions,

1 and these were small landfills in the eastern part of
2 California that did have ton-per-year values associated
3 with that. But all of the other permits did have tons per
4 day.

5 So we would support if the Committee would like
6 to entertain the idea of bringing an item forward to look
7 at the descriptions, limits, other aspects of the permit
8 and see if there's a need to develop some guidance or
9 perhaps regulatory move in that way to look at consistency
10 if it's an issue or not.

11 CHIEF COUNSEL TOBIAS: I can think of two areas
12 that just in terms of consistency would be helpful. One's
13 in CEQA, so that we had something that -- generally a lot
14 of these documents are prepared by consultants. So that
15 we could just basically tell them this is the standard
16 measurement or description that we use that we've been
17 getting a consistent product kind of across the Board,
18 that would also give a lot of guidance to LEAs when
19 different operators come in with it.

20 The second thought I had is that it might be good
21 for -- to start descriptions across the Board to be able
22 to say, if we're looking at something statewide or we're
23 looking at something north and south, we're looking at
24 something east and west, to be able to say, you know, we
25 have facilities that handle, you know, peak tonnages, tons

1 per day or whatever. But if you've got some facilities at
2 a year, you've got some facilities daily, it's hard to
3 find a common denominator in each one of those. It has to
4 be kind of finagled or worked with every time you want to
5 find some kind of number across the Board.

6 So I'm thinking that the Board could do it with
7 really just a policy saying this is how we either prefer
8 or would like to have these measurements done. But we
9 could bring it back for the Board and the Committee's
10 consideration in terms of what the choices might be.

11 So I just thought I'd raise it. It came up. I
12 thought if we've got several facilities that are not
13 doing -- coming in the way the rest are, that it might be
14 good to have that guidance. Just a suggestion.

15 CHAIRPERSON PAPARIAN: Mr. Jones.

16 COMMITTEE MEMBER JONES: Mr. Paparian, thanks.

17 I'm a little shocked because we've had this
18 discussion, I know, four years ago, because some permits
19 said peak, some permits said maximum. Operators were
20 getting violations when they hit the peak. I remember
21 permits coming forward where I said to Mr. de Bie, if the
22 peak is hit every day for a week or a month, is the
23 facility in violation? And there was -- you know, the
24 answer was, no, they can't be because of peak, but over
25 the course of the year.

1 So I thought we had pretty much delivered a -- I
2 mean had an awful lot of discussion about this four years
3 ago. Was it four years ago? I think it was four years
4 ago.

5 MR. De BIE: I think it was in conjunction with
6 some of the workshops that we may have done, and that was
7 approximately three or four years ago.

8 COMMITTEE MEMBER JONES: Okay. I think that -- I
9 know that the Chairman had this down on his list, I think,
10 as one of the issues. But I think it would be important
11 if you look at some of the discussions that we had four
12 years ago, because it dealt with an uncertainty in a
13 permit from an operator's standpoint as to what he was
14 going to get dinged on, you know. And it was very
15 subjective.

16 This one scares me -- this one does not scare me
17 from the standpoint that they've said, "We're only going
18 to use this in case of a disaster of 6,000 tons per year,"
19 which they can do anyway. They have that ability under
20 the law, if the LEA so deems.

21 One thing that kind of bothers me about this
22 permit is that it's a lazy man's permit from the
23 standpoint of an LEA. This permit is never going to have
24 to be revised. There will be no revision in this permit
25 because of the -- because of the lack of any specificity

1 with conditions, tonnage, height. And I think it's
2 disservice to the amount of effort that our staff and that
3 this Board does in trying to bring credibility to the
4 process.

5 I'm a little amazed. I do have a question, and
6 my question is going to be either for the LEA or the
7 operator on this permit.

8 So if others have questions for Mr. de Bie, I'll
9 wait.

10 CHAIRPERSON PAPARIAN: Yeah, let me just --
11 there's an interrelationship between the issues that
12 counsel has raised. But let's try to set a process for
13 dealing with those issues, then get back to the permit
14 itself. I'll get back to you on that.

15 We have a -- the Committee's planning a workshop
16 on CEQA-related issues some time in the next few months.
17 I would suggest if there are issues related to the CEQA
18 end of it, that might be an appropriate time to bring it
19 up and ask for the Committee direction so that we can --

20 CHIEF COUNSEL TOBIAS: Well, we could just bring
21 it back in one of those Committee workshops. I'm not
22 sure --

23 CHAIRPERSON PAPARIAN: Right. Or if you need a
24 separate agenda item, that would be fine. And then
25 similarly with the tonnage issue, although it's not

1 directly related -- well, there is -- there's a
2 relationship to the remaining capacity issue, I suppose.
3 But perhaps we should explore either having an agenda item
4 on that or a separate workshop. Or if you feel like you
5 need -- if you feel like it's a very easy thing to take
6 care of, maybe come back at our next Committee meeting --

7 CHIEF COUNSEL TOBIAS: We will.

8 CHAIRPERSON PAPARIAN: -- and work with the staff
9 on that. I hesitate to suggest a direction right here and
10 now without having a little more background, having P&E
11 staff have a chance to think about how they would like to
12 pursue this.

13 CHIEF COUNSEL TOBIAS: I think we can also go
14 back and pick up from the workshop materials Mr. Jones is
15 referring to and make sure that all the Committee members
16 have a chance to see that. But I would agree with Mr.
17 Jones' comments on it. I think, you know, I'm focusing on
18 one small part of it, but I do think that that's part of
19 the issue.

20 ACTING DEPUTY DIRECTOR WALKER: I think that -- I
21 wanted to just add that we would feel comfortable with the
22 CEQA workshop bringing this up and in response to that
23 perhaps some additional policy items or discussion items
24 maybe being triggered depending upon what the Committee
25 wants -- where the Committee wants to go.

1 CHAIRPERSON PAPARIAN: Okay. And then so let's
2 get back to the permit itself.

3 Mr. Jones.

4 COMMITTEE MEMBER JONES: Okay. I have a question
5 for the LEA.

6 You might want to come up here instead of yelling
7 from the audience.

8 MR. GANTNER: Good morning. I'm Ernie Gantner of
9 the LEA.

10 COMMITTEE MEMBER JONES: Thank you.

11 Mr. Gantner, I just have a couple questions.

12 I understand the need -- I understand you have a
13 long-term contract with Lockwood, and if all things go
14 right this material is going to go into landfill anyway.

15 But one of the conditions that you put in is that
16 it can be vacant 7 days a week, 24 hours a day.

17 What stipulation is there for security at the
18 site if in fact it is open 24 hours a day?

19 MR. GANTNER: As I recall, it's not 24 hours a
20 day. I think it's just daylight hours, but 7 days a week.
21 And it's gated and it has a site attendant.

22 COMMITTEE MEMBER JONES: So they would be there
23 the whole daylight time? It wouldn't just be open to
24 anybody to dump in there?

25 MR. GANTNER: Correct.

1 COMMITTEE MEMBER JONES: Okay. What I see is
2 we've got a proposed height of 4,430, you know, in our
3 summary. And in the CEQA documents it looks like it's
4 about 20 or 30 feet higher than that.

5 Is that your number? Is that the number you're
6 comfortable with, at 4,430?

7 MR. GANTNER: I'm not sure of that, but I have to
8 look at the records.

9 COMMITTEE MEMBER JONES: You've got 4,450 to the
10 top of the final closure cap as part of the JTD. It just
11 says "less than". Is that -- so at 4,430 in the
12 summary -- I mean, what number are we going on? Are we
13 going on 4,430, 4,500, less than 4,500 or 4,450?

14 MR. GANTNER: I don't know where 4,430 came from.
15 But the WDR mentioned 4,354. I don't have the JTD with
16 me.

17 COMMITTEE MEMBER JONES: Okay. I mean, it's
18 important for closure and it's important for grading. I
19 mean, if there was a grading violation, a lot of that's
20 going to be predicated on what your slopes are. And, you
21 know, I don't know how you're building this landfill, but
22 if you're close to the top, it would be a pretty important
23 number.

24 MR. GANTNER: It's not above the surrounding land
25 area.

1 COMMITTEE MEMBER JONES: All right. I'm just
2 worried about -- you know, it's pretty open. I mean,
3 obviously, it's not going to close. They're going to
4 still go through a five-year review?

5 MR. GANTNER: Right.

6 So if it never took 6,000 tons a year, it would
7 be no change, basically?

8 MR. GANTNER: Correct.

9 COMMITTEE MEMBER JONES: Okay. I think that --
10 I'm hoping that if an emergency comes up, that we're at
11 least told how that happened, what happened, you know, how
12 this performed. Because I can appreciate a rural's need
13 when you've got another operation going on that works well
14 and everything's okay and this is the first emergency.

15 But this is so wide open, Mr. Gantner, that it
16 just kind of begs the question: Where are the limits?
17 And there no limits to this program?

18 MR. GANTNER: I think there is a condition that
19 they notify the LEA before they start operating full
20 operations.

21 COMMITTEE MEMBER JONES: Well, I understand that.
22 And then you'd revise it to change it from 6,000 a year to
23 some more specific to what daily would be?

24 MR. GANTNER: No, as long as they went back to
25 full operations, it would be less than 6,000. If they

1 wanted to go above that, they'd have to reapply for a
2 revised permit.

3 COMMITTEE MEMBER JONES: Okay.

4 CHAIRPERSON PAPARIAN: Any other questions?

5 Mr. Medina.

6 COMMITTEE MEMBER MEDINA: Yes, I just noted the
7 large number of violations between '97 and '99, a total of
8 86 violations. I wanted to know the nature of the
9 violations and what was done to correct them.

10 MR. GANTNER: Of those, except for six, were
11 paperwork violations. Six were operational State minimum
12 standards violations. We had a compliance schedule for
13 those paperwork violations and took a couple years with
14 all the other priorities going on, closing -- trying to
15 close for other landfills. That took a while to get those
16 taken care of.

17 COMMITTEE MEMBER MEDINA: And for the year
18 2000-2001, for the early part of this year, so far there's
19 only been one violation?

20 MR. GANTNER: Correct.

21 COMMITTEE MEMBER MEDINA: There have been some
22 significant changes made in the operation?

23 MR. GANTNER: Yes.

24 COMMITTEE MEMBER MEDINA: Thank you.

25 CHAIRPERSON PAPARIAN: Okay. Other questions?

1 Mr. De Bie, if I understood correctly, you were
2 suggesting because of the comment period not being really
3 over until the end of the day today, that we forward this
4 without a recommendation at this point, pending closure of
5 the comment period.

6 MR. De BIE: I think my suggestions was if -- at
7 the Committee's pleasure if they would pursue a
8 recommendation -- a positive recommendation if no other
9 additional comments are received by close of business
10 today.

11 If we do receive comments, then we will bring
12 that to the Board's attention at the Board meeting. But
13 otherwise the Board would have a recommendation from this
14 Committee to approve or adopt the Neg Dec.

15 Again, we foresaw that the Board would need to
16 take direct action or direct vote, not have it on consent
17 calendar anyway because of the -- it being a CEQA
18 document.

19 CHAIRPERSON PAPARIAN: Okay. What's the pleasure
20 of the Committee?

21 COMMITTEE MEMBER JONES: All right. Mr. Chair,
22 thank you.

23 I'll move adoption of Resolution 2002-370,
24 consideration of a revised full Solid Waste Permit and the
25 adoption of a Negative Dec.

1 I think this one is the Negative Dec, right.

2 But this will be predicated on if there are no
3 changes that are needed because of comments when the
4 period closes. And that's on the Neg Dec.

5 Okay. That's my motion.

6 COMMITTEE MEMBER MEDINA: Second.

7 CHAIRPERSON PAPARIAN: Motion and a second.

8 Secretary, call the roll.

9 SECRETARY FARRELL: Jones?

10 COMMITTEE MEMBER JONES: Aye.

11 SECRETARY FARRELL: Medina?

12 COMMITTEE MEMBER MEDINA: Aye.

13 SECRETARY FARRELL: Roberti?

14 COMMITTEE MEMBER ROBERTI: Aye.

15 SECRETARY FARRELL: Paparian?

16 CHAIRPERSON PAPARIAN: Aye.

17 COMMITTEE MEMBER JONES: Mr. Chair?

18 CHAIRPERSON PAPARIAN: Mr. Jones.

19 COMMITTEE MEMBER JONES: I'll also predicate
20 this, that if the CEQA comes through without any problems,
21 then I'll move adoption of Resolution 2002-371,
22 consideration of a revised full Solid Waste Facility
23 Permit for the disposal facility of the Alturas Landfill
24 in Modoc County.

25 COMMITTEE MEMBER MEDINA: Second.

1 CHAIRPERSON PAPARIAN: Motion and a second.

2 Secretary call the roll.

3 SECRETARY FARRELL: Jones?

4 COMMITTEE MEMBER JONES: Aye.

5 SECRETARY FARRELL: Medina?

6 COMMITTEE MEMBER MEDINA: Aye.

7 SECRETARY FARRELL: Roberti?

8 COMMITTEE MEMBER ROBERTI: Aye.

9 SECRETARY FARRELL: Paparian?

10 CHAIRPERSON PAPARIAN: Aye.

11 Okay. So those will be forwarded with the

12 recommendation, but not on consent calendar.

13 Next item, Item H, related to various Solid Waste

14 Disposal and Codisposal Site cleanups.

15 ACTING DEPUTY DIRECTOR WALKER: Item H is

16 consideration of approval of new sites for the Solid Waste

17 Disposal and Codisposal Site Cleanup Program.

18 Wes Mindermann will give the presentation.

19 MR. MINDERMAN: Good morning, Mr. Chairman and

20 Members of the Committee.

21 Board staff have completed an evaluation and

22 recommend approval of the five projects pursuant to the

23 Solid Waste Disposal and Codisposal Site Cleanup Program.

24 Table 1 of the agenda items provides a summary

25 with detailed project information being provided in the

1 attachments of your agenda item.I'll present a brief
2 summary of each project.

3 The Cyrus Canyon Illegal Disposal Site is an
4 unauthorized dumping area located within the floodplain of
5 a drainage channel near the community of Kernville and is
6 owned by the United States Bureau of Land Management.

7 Investigations indicate that the dumping at the
8 site began in the early 1950s and continued into the
9 1970s. More recent activity at the site, which primarily
10 consisted of scavaging for bottles and jars, the Kern
11 County Department of Health, acting as the local
12 enforcement agency, has issued a notice and order
13 requiring the Bureau of Land Management to take action to
14 prevent scavaging and remove the dump from the floodplain
15 of Cyrus Canyon.

16 The proposed site remediation includes removal
17 and disposal of illegally dumped waste and contaminated
18 soil at approved facilities. Based on the degree of risk
19 to public health and safety and the environment, this site
20 has been evaluated as Priority A2. Priority A2 is a
21 confirmed condition of pollution or nuisance from solid
22 waste based on comparison with State minimum standards
23 with significant residential, industrial, park,
24 recreation, or environmentally sensitive areas within one
25 mile of the site.

1 The estimated cost for remediation and
2 restoration of this site is \$200,000, which will be shared
3 with the Bureau of Land Management per our existing
4 cooperative agreement.

5 The Ballard Canyon/Chalk Hills Road Landfill
6 operated between 1948 and 1969 on 10 acres leased by the
7 Santa Barbara County Public Works Department. After its
8 operation as a landfill the landowner subdivided the land
9 and sold it for residential use. Two homes were
10 constructed adjacent to the disposal area and several
11 other homes were constructed nearby.

12 Remediation of this landfill has been delayed as
13 a result of lawsuits filed against the county by nearby
14 homeowners and water-well owners seeking, among other
15 things, cleanup of the property, purchase of the property,
16 and compensation for damages.

17 All lawsuits previously filed against the county
18 have been settled. To date Santa Barbara has expended in
19 excess of \$5 million to purchase, assess, monitor, and
20 initiate remediation of the site and to also settle all
21 litigation. The county has funded all of the work to date
22 from its operating budget.

23 The county is requesting a matching grant from
24 the solid waste cleanup program to complete the
25 remediation at the Ballard Canyon/Chalk Hill Landfill.

1 The proposed site remediation includes installation of
2 fencing, drainage controls, slope and foundation
3 stabilization, grading the entire site, capping the waste
4 areas, reinstallation of a gas control system, protection
5 and relocation of existing landfill facilities, and field
6 and laboratory testing.

7 Total project costs are estimated at \$764,200.

8 The Board's matching share under the grant is not to
9 exceed \$382,100.

10 Based on the degree of risk to public health and
11 safety and the environment, this site has been evaluated
12 as a Priority A1. Just as a reminder, Priority A1 is a
13 confirmed condition of pollution or a nuisance from solid
14 waste based on a comparison with State minimum standards
15 with significant residential, industrial, park,
16 recreation, or environmentally sensitive areas within
17 1,000 feet.

18 The Crazy Horse Abandoned Disposal Site is
19 located within the Crazy Horse Sanitary Landfill property
20 boundary near Salinas in Monterey County.

21 The Crazy Horse Abandoned Disposal Site was
22 inadvertently acquired when a property which the disposal
23 site resides was purchased in the 1980s as part of a
24 mitigation measure to acquire properties impacted by
25 groundwater contamination from the sanitary landfill.

1 The dates of operation of the disposal site are
2 not known. Recovery of some dated material indicates the
3 disposal site operations may date back to the 1940s.

4 The Salinas Valley Solid Waste Authority
5 discovered the disposal site in the first quarter of 2000
6 as a result of a separate investigation and has been
7 working closely with the Central Coast Regional Water
8 Quality Control Board and the Monterey County
9 Environmental Health Division to achieve voluntary
10 compliance at the site.

11 The Authority has requested a matching grant from
12 the Solid Waste Cleanup Program to mitigate the Crazy
13 Horse Abandoned Disposal Site. The proposed site
14 remediation includes removal of waste and disposal at the
15 Crazy Horse Sanitary Landfill, installation of drainage
16 controls, slope and foundation stabilization, and field
17 and laboratory testing.

18 Total project costs are estimated at \$82,000.
19 The Board's matching share under the grant would be
20 \$41,000.

21 Based on the degree of risk to public health and
22 safety and the environment, the site has been evaluated as
23 a Priority A1.

24 With respect to both matching grant proposals the
25 Board may award matching grants to public entities to

1 cleanup, among other sites, publicly operated solid waste
2 disposal sites, which have always operated as public
3 facilities. As a grant is essentially a bestowal of
4 funds, cost recovery is not an issue in those cases even
5 though the public entity grantee is a responsible party
6 for the cleanup.

7 As with all matching grants, the public entity's
8 needs for the funds is to be considered, and a description
9 of which is included in your agenda item.

10 The National City Dump is located along Paradise
11 Creek and Sweetwater Marsh in National City. A portion of
12 this facility is being proposed for remediation through
13 the Solid Waste cleanup Program.

14 The proposed remediation area includes an
15 abandoned industrial site extending into Paradise Marsh,
16 which is a unit of the Sweetwater Marsh National Wildlife
17 Refuge, and is managed by the U.S. Fish & Wildlife
18 Service.

19 From the 1920s to 1950 the facility was operated
20 as an open dump. There are no available records of the
21 disposal operation, and the dump extends on several
22 parcels including properties recently acquired by the
23 Community Development Commission of National City as well
24 as properties currently known by the United States Fish &
25 Wildlife Service.

1 The site has been a subject of extensive
2 investigations which have been unable to locate the
3 whereabouts of the previous operator. At the beginning of
4 National City's redevelopment process, litigation was
5 commenced in a further attempt to identify past owners,
6 operators, and tenants of the parcels and potential
7 insurance policies which could be used to assist in the
8 remediation. Once again, the search for responsible
9 parties was unsuccessful and the action was thus
10 dismissed.

11 National City has prepared a remedial action plan
12 for review and approval by the County of San Diego, the
13 Department of Environmental Health, which is the Cal EPA
14 designated administering agency. The remedial action plan
15 includes on-site consolidation and capping of existing
16 solid waste and removal of disposable additional surplus
17 solid waste and contaminated soils as necessary,
18 installation of drainage controls, and slope and
19 foundation stabilization.

20 An upland habitat buffer will be established
21 within the remediation area, which will serve three
22 primary purposes: As an environmental buffer to protect
23 and preserve Sweetwater Marsh as a wildlife refuge; for
24 public benefits the public can access and view the refuge;
25 and to increase public awareness of the Kumeyaay culture

1 and its relationship to San Diego Bay by establishing an
2 interpretive center and an overlook within the habitat
3 buffer. The buffer will extend 100 feet from the edge of
4 the marsh and will include all the parcels owned by the
5 United States Fish & Wildlife Service and portions of the
6 property owned by National City.

7 The total cost of the remediation is estimated at
8 \$750,000. National City and the United States Fish &
9 Wildlife Service have requested a Board managed
10 remediation. Based on the degree of risk to public health
11 and safety and the environment, this site has been
12 evaluated as a priority A1.

13 Under the Solid Waste Cleanup Program where a
14 public entity with no prior responsibility takes over a
15 former solid waste disposal site for the public benefit,
16 cost recovery against that public entity need not be
17 pursued and a Board managed remediation may be considered.

18 It may be easier to think of the cost recovery
19 proposal on this project as three separate scenarios.

20 1) For the U.S. Fish & Wildlife Service parcels,
21 all of which are within the habitat buffer and will be
22 maintained for the public benefit, no cost recovery is
23 proposed.

24 2) For that portion of the parcel owned by
25 National City that are proposed to be within the habitat

1 buffer for which the city has agreed to adhere to wetland
2 conservation policies and habitat buffer standards to
3 ensure maximum protection of sensitive wetland habitats
4 and endangered species for the public benefit, no cost
5 recovery is proposed.

6 For that portion of the parcel owned by National
7 City that are outside of the habitat buffer and are
8 proposed for redevelopment, the city has agreed to
9 reimburse the Board for its cleanup costs to satisfy the
10 Board's cost recovery provision.

11 The Fort Bragg Dump is a former disposal site
12 that has been utilized by the citizens of Fort Bragg as an
13 ocean dumping area from 1950 until 1967. Since 1967 the
14 site has been undeveloped and has been used by the public
15 primarily for hiking and beachcombing.

16 The site has seen many owners in its history,
17 including the Union Lumber Company, Boise Cascade Lumber
18 Company, and Georgia Pacific Corporation.

19 In 1991 Mr. William Glenn purchased the 38-acre
20 parcel from the Georgia Pacific Corporation. And the
21 property is currently owned by the William Glenn Trust.

22 Recent investigations have identified locations
23 of isolated pockets of solid waste on the bluffs extending
24 into the -- onto the beach. The main disposal areas,
25 which include subsurface waste areas, are located on a

1 trust owned 38-acre parcel.

2 The California Coastal Conservancy is in the
3 process of facilitating the acquisition of the 38-acre
4 parcel on behalf of the California Department of Parks and
5 Recreation for public benefit and to maintain the site as
6 open space for recreational purposes and coastal access.

7 In September 2000, the Conservancy accepted a
8 \$2.5 million federal grant under the Conservation Lands
9 Chair of the Transportation and Enhancement Activities
10 Program for acquisition of the Glass Beach property. For
11 the purposes of this grant, federal funds can only be used
12 for scenic or wildlife corridor acquisition or protection.
13 The Conservancy is prohibited from utilizing these funds
14 for remediation of the property. The Conservancy has
15 informed Board staff that the federal grant is due to
16 expire in May of 2003.

17 The California Department of Parks and Recreation
18 has agreed to acquire the property only if the solid waste
19 is completely removed to limit future liability, and
20 proposes to add the parcel to Mackerricher State Park,
21 which is immediately adjacent to the parcel to the north.

22 The proposed site remediation includes removal
23 and disposal of the solid waste located within the
24 property boundary.

25 The North Coast Regional Water Quality Control

1 Board is the lead regulatory agency providing oversight
2 for the remediation.

3 The estimated cost of the proposed remediation is
4 \$750,000. The Coastal Conservancy and Department of Parks
5 and Recreation have requested a Board managed remediation.
6 Based on the degree of risk to public health and safety
7 and the environment, the site has been evaluated as a
8 Priority A1.

9 Assuming the purchase price of \$2.2 million,
10 contributions to the project include the following: The
11 California Coastal Conservancy has expended \$50,000 to
12 date to perform site assessments. In addition, the
13 Coastal Conservancy will contribute \$253,000 for 11 and a
14 half percent of the purchase price for the property,
15 towards the acquisition of the property.

16 There will be a contribution of \$1,947,000 of
17 federal grant funds from the Conservancy land share of the
18 Transportation Enhancement Activities Program towards
19 acquisition of the property.

20 The William Glenn Trust has committed to
21 contributing a total of \$100,000 towards the remediation
22 of the property, including \$50,000 in funds expended to
23 date as well as funds required to complete the remedial
24 action plan, has agreed to remove the illegally disposed
25 concrete and wood debris located on the northeast corner

1 of the property.

2 The City of Fort Bragg has agreed to prepare a
3 mitigated negative declaration and to waive the local and
4 Coastal Commission permit fees.

5 That concludes staff's presentations.

6 The Staff recommend that the Board adopt
7 Resolution Number 2002-374 and approve the proposed
8 projects.

9 I'd be happy to answer any questions.

10 I know, Mr. Chairman, that you do have a number
11 of speaker slips for this that were probably erroneously
12 identified as Agenda Item 8, which really meant the Agenda
13 Item H.

14 CHAIRPERSON PAPARIAN: Yeah, thank you.

15 Do you have representatives of the City of Fort
16 Bragg and the National City, if we have specific questions
17 for them.

18 Any questions from Committee members?

19 COMMITTEE MEMBER ROBERTI: On the landfill in
20 Salinas, is that Crazy Horse?

21 MR. MINDERMAN: That's correct, yes.

22 COMMITTEE MEMBER ROBERTI: Was that landfill
23 expanded at some time in the past to take on a
24 contaminated area?

25 ACTING DEPUTY DIRECTOR WALKER: Board Member

1 Roberti, this is a separate site from -- there's an active
2 landfill, Crazy Horse Landfill. This is a separate site
3 and parcel not within that active landfill parcel.

4 COMMITTEE MEMBER ROBERTI: I don't quite
5 understand.

6 MR. MINDERMAN: To answer your question, Senator
7 Roberti, the Crazy Horse Sanitary Landfill back in the
8 1980s, the current -- the owners at that time did expand
9 the property on which the sanitary landfill sits as a
10 mitigation measure to buy property that was being impacted
11 by groundwater problems from the sanitary landfill.

12 COMMITTEE MEMBER ROBERTI: Now, is that -- is
13 that landfill part of the application here?

14 MR. MINDERMAN: No, it's not. What had happened
15 was that this abandoned disposal site was on one of the
16 properties that they had acquired. So it is in no way
17 related to the operation of the municipal sanitary
18 landfill, the Crazy Horse Sanitary Landfill.

19 COMMITTEE MEMBER ROBERTI: My concern was that in
20 order to mitigate problems and just expand the landfill --
21 and I want to make sure that we are not cleaning up the
22 expansion.

23 MR. MINDERMAN: No. I mean --

24 COMMITTEE MEMBER ROBERTI: Okay.

25 MR. MINDERMAN: We are not cleaning up the

1 groundwater contamination problem that they have.

2 COMMITTEE MEMBER ROBERTI: Or any other related
3 contamination of that expansion?

4 MR. MINDERMAN: No, no. This was a previously
5 unknown disposal site that they acquired. It was
6 undisclosed to them. And they obviously are interested in
7 making sure it's in compliance with State minimum
8 standards, and that's why they're here. They in no way
9 operated it, owned it at the time of operation. So
10 they're just trying to step up to the plate and fix the
11 problem.

12 COMMITTEE MEMBER ROBERTI: Very good. Thank you.

13 CHAIRPERSON PAPARIAN: After reviewing this item
14 about a week and a half ago I had a number of questions
15 for staff. And I wanted to thank them for their very
16 thorough responses. I had some questions in particular
17 related to the National City site, which they answered
18 quite well. But I wanted to make some comments about that
19 site.

20 Apparently the U.S. Fish & Wildlife Service
21 portion of the site was at one time owned by Santa Fe.
22 And upon transfer to the Fish & Wildlife Service, the
23 transfer agreements included some provision related to
24 hazardous waste, if hazardous wastes were found on the
25 site. Now, the type of waste that we have there at the

1 site is your typical burn dump, correct?

2 MR. MINDERMAN: That's correct.

3 CHAIRPERSON PAPARIAN: Okay. If in removing the
4 burn dump you find unusual hazardous waste, which I know
5 happens sometimes at a burn dump, it would seem
6 appropriate to open the issue of whether Santa Fe should
7 be held responsible for some or all of the hazardous waste
8 that might be found at that point. Obviously, we don't
9 know everything that's in there until you uncover it. But
10 it would seem like we should explore that possibility if
11 indeed any hazardous waste is found. I wanted to know if
12 our attorney wanted to comment on that.

13 MR. MINDERMAN: I'll just turn it over to Steve,
14 the lead staff counsel.

15 STAFF COUNSEL LEVINE: Yes, my understanding is
16 that if the Board approves this site, our estimated
17 cleanup costs would be for the typical constituents that
18 you would find in burn ash, which would have typical
19 elements of hazardous waste but not the type you're
20 talking about, the atypical constituents that could
21 dramatically increase the costs of the project.

22 So I think if they do come across atypical
23 constituents of hazardous waste, they would be two things:
24 One, potential need to come back before this Board to
25 address the issue that it's costing more than it should.

1 And at that point, a potential enforcement order could be
2 issued against any responsible parties, including Santa
3 Fe, with respect to the discovery of that hazardous waste.

4 CHAIRPERSON PAPARIAN: Okay. Thank you.

5 Any other questions or comments?

6 Mr. Jones.

7 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian. I
8 have just a couple of comments.

9 The Ballard Canyon in Santa Barbara, I'm glad to
10 see that on this list of remediation. I got called into
11 that thing I think three or four years ago when gas was
12 going in the houses. So I'm glad that the county
13 responded. And I think they responded -- I know the LEA
14 was trying to get them to respond. And I think they
15 responded when the Waste Board kind of weighed into this
16 thing. So that's good to know.

17 And I know Glass Beach in Fort Bragg, there's
18 folks up there today trying to document what that really
19 is -- I mean, what that looks like for ease to the Board
20 members to see what can happen and what it looks like.

21 I think the staff did an incredible -- does a
22 great job of really getting into these things and figuring
23 out -- I know that Wes and Luna had to work pretty hard on
24 this Glass Beach to make sure that we were not putting
25 money into an heir's pocket. And they did a good job of

1 getting everybody involved.

2 I want to move adoption of Resolution 2002-374,
3 the consideration of approval of new sites for the Solid
4 Waste Disposal and Codisposal Site Cleanup Program.

5 COMMITTEE MEMBER MEDINA: I will second that.

6 And the only thing that I would raise, just strictly as a
7 procedural matter, is in regard to the amounts this would
8 be considered fiscal. I have no problem with the approval
9 of these sites.

10 CHAIRPERSON PAPARIAN: It would be fiscal. So
11 that if we all approve it, it would go on the abbreviated
12 fiscal consensus agenda.

13 COMMITTEE MEMBER MEDINA: If indeed it is fiscal,
14 then I guess the issue I would raise is should it go
15 before the Budget Committee for the amounts? I have again
16 no problem with the approval of the new sites. I'm just
17 raising an issue in regard to the amount that's being --

18 CHAIRPERSON PAPARIAN: Interesting question
19 there.

20 COMMITTEE MEMBER MEDINA: From my perspective in
21 regard to being Chair of the Fiscal Committee, I would
22 like to have amounts come before the Fiscal Committee.

23 CHAIRPERSON PAPARIAN: Mr. Leary.

24 EXECUTIVE DIRECTOR LEARY: I think that we have
25 an excellent suggestion, Board Member Medina,

1 unfortunately -- and we have not noticed this item before
2 the Budget Admin Committee for Wednesday of this week.

3 So if -- well, I guess --

4 COMMITTEE MEMBER MEDINA: All right. This will
5 go before the full Board, so I have no problem moving it
6 forward. In the future, however, I would like anything
7 that's fiscal come before the Budget Committee.

8 EXECUTIVE DIRECTOR LEARY: Your correction will
9 be heeded.

10 Thank you.

11 CHAIRPERSON PAPARIAN: Okay. We have a motion by
12 Mr. Jones and a second by Mr. Medina.

13 Secretary, call the roll.

14 SECRETARY FARRELL: Jones?

15 COMMITTEE MEMBER JONES: Aye.

16 SECRETARY FARRELL: Medina?

17 COMMITTEE MEMBER MEDINA: Aye.

18 SECRETARY FARRELL: Roberti?

19 COMMITTEE MEMBER ROBERTI: Aye.

20 SECRETARY FARRELL: Paparian?

21 CHAIRPERSON PAPARIAN: Aye.

22 We have two more items before we get to our LEA
23 workshop. I think these are very quick.

24 We'll go to Item I related to the Environmental
25 Services Contract for landfill and disposal site

1 remediation.

2 ACTING DEPUTY DIRECTOR WALKER: What I would
3 suggest, Board Member Paparian, is we tie these -- since
4 these two items are basically equivalent routine
5 augmentation items, I'm going to try to get them in the
6 presentation here.

7 And I'd also like to point out that these two
8 items, I and J, will be heard at the annual.

9 So with that, I'll hand it over to Wes
10 Mindermann.

11 MR. MINDERMAN: Okay. Just real briefly.

12 Agenda Items I and J this morning requested the
13 Board consider augmenting both of the Environmental
14 Services Contracts for landfill and disposal site
15 remediation. This is under the Solid Waste Disposal and
16 Codisposal Site Cleanup Program.

17 The proposed augmentation for each contract is \$1
18 million from existing funds in the Solid Waste Disposal
19 Site Cleanup Trust Fund. That would bring each contract
20 up to the not-to-exceed of \$2.5 million. These funds will
21 be required if the Board approves the previously
22 considered projects under the Solid Waste Cleanup Program.
23 That's the reason why we're asking for this augmentation
24 at this time.

25 Essentially, that concludes my presentation.

1 We would ask that the Board approve the
2 Augmentation and adopt Resolution Numbers 2002-372 and
3 2002-373.

4 CHAIRPERSON PAPARIAN: Mr. Jones.

5 BOARD MEMBER JONES: Mr. Chair, I'll move
6 adoption of Resolution 2002-372, for the augmentation of
7 Environmental Services Contract and Landfill Disposal Site
8 for a million bucks -- for a million, Wes?

9 MR. MINDERMAN: That's correct. It's a million
10 dollars for each contract.

11 COMMITTEE MEMBER JONES: Okay.

12 COMMITTEE MEMBER MEDINA. Second.

13 CHAIRPERSON PAPARIAN: There's been a motion and
14 a second.

15 Again, this item would go on the fiscal calendar,
16 and it's also going to go to the end.

17 Secretary, call the roll.

18 SECRETARY FARRELL: Jones?

19 COMMITTEE MEMBER JONES: Aye.

20 SECRETARY FARRELL: Medina?

21 COMMITTEE MEMBER MEDINA: Aye.

22 SECRETARY FARRELL: Roberti?

23 COMMITTEE MEMBER ROBERTI: Aye.

24 SECRETARY FARRELL: Paparian?

25 CHAIRPERSON PAPARIAN: Aye.

1 COMMITTEE MEMBER JONES: Mr. Chair?

2 CHAIRPERSON PAPARIAN: Mr. Jones.

3 COMMITTEE MEMBER JONES: I'll move adoption of
4 Resolution 2002-373, consideration of augmentation for the
5 Environmental Services Contract for Landfill and Disposal
6 Site remediation.

7 COMMITTEE MEMBER MEDINA: Second.

8 CHAIRPERSON PAPARIAN: A motion and a second.
9 Secretary, call the roll.

10 SECRETARY FARRELL: Jones?

11 COMMITTEE MEMBER JONES: Aye.

12 SECRETARY FARRELL: Medina?

13 COMMITTEE MEMBER MEDINA: Aye.

14 SECRETARY FARRELL: Roberti?

15 COMMITTEE MEMBER ROBERTI: Aye.

16 SECRETARY FARRELL: Paparian?

17 CHAIRPERSON PAPARIAN: Aye.

18 Okay. That brings us to the end of our regular
19 agenda.

20 Do we have any public comments?

21 Okay. We'll take a 10-minute break and come back
22 for our workshop on LEA related issues.

23 (Thereupon a brief recess was taken.)

24

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 19th day of July, 2002.

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